

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LA DOLCE VITA FINE DINING COMPANY
LIMITED and LA DOLCE VITA FINE DINING
GROUP HOLDINGS LIMITED,

Petitioners,

-against-

ZHANG LAN, GRAND LAN HOLDINGS GROUP
(BVI) LIMITED, QIAO JIANG LAN
DEVELOPMENT LIMITED, *formerly known as* South
Beauty Development Limited, and APEX LEAD
INVESTMENT HOLDINGS LIMITED,

Respondents.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/26/2021

1:21-cv-3178-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On June 8, 2021, the Court held a telephonic pre-motion conference and set briefing schedules for Petitioners' anticipated revised motion to confirm the arbitral awards and Respondents' anticipated cross-motion to dismiss the petition. [ECF No. 36.] Thereafter, the parties filed a proposed stipulation and order to stay all proceedings in this action, including Petitioners' renewed confirmation motion, until after a decision has been issued on Petitioners' motion to confirm the attachment order before Judge Carter in the related action *La Dolce Vita Fine Dining Co. v. Zhang*, 19-mc-536-ALC (the "*Christie's Action*"). [ECF No. 38.]

The Court declines to sign the parties' proposed stipulation and order. The Court cannot permit this case to remain open but inactive on its docket as the parties pursue remedies in the related *Christie's Action* and, thereafter, determine how they would like to proceed here. If the parties are not prepared to move forward with this action, Petitioners are strongly advised to confer with Respondents about voluntarily dismissing the action without prejudice and stipulating to stay or toll any applicable statutes of limitations.

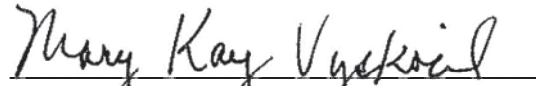
Accordingly, IT IS HEREBY ORDERED:

- On or before **August 6, 2021**, the parties shall file a joint letter advising the Court how they intend to proceed in this action.
- If the parties elect to move forward with this case, Petitioners shall file their revised motion to confirm the arbitral awards on or before **August 20, 2021**. Local Rule 6.1 shall govern the briefing schedule for Respondents' opposition and Petitioners' reply, unless the parties stipulate otherwise.
- The Court GRANTS Respondents leave to cross-move to dismiss to petition. Any cross-motion shall be due on the same date as Respondents' opposition to Petitioners' confirmation motion. Local Rule 6.1 shall govern the briefing schedule for Petitioners' opposition and Respondents' reply, unless the parties stipulate otherwise. Respondents' reply shall be limited to the cross-motion to dismiss and shall not address arguments relating to Petitioners' confirmation motion.

The parties shall consult the Court's Individual Practice Rules and ensure compliance therewith. **Failure to comply with deadlines or other terms of this Order may result in sanctions, including preclusion or dismissal of claims or defenses.**

SO ORDERED.

Date: July 26, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge